

1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF NEW YORK

3 JENNIFER HOUGH, . Docket No.  
4 Plaintiff, . 1:21-cv-04568-ENV-JRC  
5 v. . Brooklyn, New York  
6 ONIKA TANYA MARAJ, ET AL., . Friday, April 29, 2022  
7 Defendants. . 9:08 a.m.  
8 . . . . .

9 TRANSCRIPT OF PRE-MOTION CONFERENCE  
10 BEFORE THE HONORABLE JAMES R. CHO  
11 UNITED STATES MAGISTRATE JUDGE

12 APPEARANCES:

13 For the Plaintiff: T. A. Blackburn Law, PLLC.  
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17 JUDD BURSTEIN, ESQ.  
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18 For the Non-Party Law Offices of Susan G. Kellman  
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1 P R O C E E D I N G S

2 THE CLERK: Civil cause for a motion hearing, case  
3 number 21-cv-4568, Hough v. Maraj, et al.

4 Counsel, please state your name for the record,  
5 beginning with the Plaintiff.

6 MR. BLACKBURN: Tyrone Anthony Blackburn, T.A.  
7 Blackburn Law, LLC, Brooklyn, New York.

8 THE COURT: Good morning.

9 MR. BLACKBURN: Do you need the address?

10 THE COURT: No.

11 MR. BURSTEIN: For the Defendant Onika Maraj, Judd  
12 Burstein, Judd Burstein, PC.

13 MS. KELLMAN: Susan Kellman, Your Honor. I'm here  
14 at Your Honor's pleasure or invitation, and I represent  
15 Ciardone Franklin Gordon.

16 THE COURT: All right. Good morning. For purposes  
17 today, we'll refer to her as Mrs. Gordon, okay?

18 MS. KELLMAN: Thank you.

19 THE COURT: Ms. Kellman, if you don't mind, can you  
20 give us your address for the record just so we have it?

21 MS. KELLMAN: 25 Eighth Avenue, Brooklyn, 11217.

22 THE COURT: All right. Good morning, everyone.

23 I've reviewed all the submissions that the parties have filed  
24 with the Court.

25 We are here because counsel for Maraj filed an

1 emergency petition for a court conference in connection with  
2 an anticipated sur-reply that the Plaintiff was contemplating  
3 filing. I've reviewed that submission, along with your  
4 response to that, Mr. Blackburn, as well.

5 All right. Given that we're in a public  
6 proceeding, if there's any discussion that might be  
7 considered private, please let me know. We can always  
8 sidebar or go off the record.

9 But Mr. Burstein, do you want to be heard on your  
10 petition?

11 MR. BURSTEIN: Yes.

12 THE COURT: Go ahead.

13 MR. BURSTEIN: Your Honor, I find myself in sort of  
14 an unusual situation because, all things being equal, if this  
15 were another case, I would invite the sur-reply because it's  
16 based upon a submission that is materially inconsistent with  
17 Mr. Blackburn's initial response.

18 In his answering papers, he said that he only  
19 learned about Mr. Gordon supposedly writing that YouTube post  
20 later whereas he then, in an effort to coerce Mr. Gordon or  
21 whatever into withdrawing his affidavit, he produced a text  
22 which shows that he knew about -- you don't have that, Your  
23 Honor. I have a copy if you'd like to see it.

24 But he produced a text, which shows that he knew at  
25 the time that the post was submitted that Mr. Gordon claimed

1 either he wrote it or his wife -- he wrote it and his wife  
2 posted it. I don't know what the facts are.

3 But my concern is the following. On the one hand,  
4 as a strictly legal matter, I don't know that there's any  
5 basis for a sur-reply because, you know, the notion that Mr.  
6 Gordon [sic] wants to respond to Mr. and Mrs. Gordon's  
7 affidavits is not a basis for a sur-reply because he had all  
8 of the evidence that he has now, and he just chose not to  
9 present it.

10 So that somebody comes in and denies these  
11 allegations is not a basis for a sur-reply. He chose not to  
12 put it in. So on the one hand, he's not entitled to a  
13 sur-reply.

14 But my big concern here is really twofold. This  
15 has been an extraordinarily high profile case. Frankly, I  
16 knew who Nicki Minaj was by the name before I started this  
17 case. But in 40 years, I've never seen anything like this in  
18 terms of getting 15 emails a day sometimes from her  
19 supporters or detractors.

20 And every single time that Mr. Gordon -- I mean,  
21 Mr. Blackburn has made, you know, an outrageous allegation  
22 such as she's a member of a gang but more importantly, the  
23 more recent claim that because her brother was convicted of  
24 sex with a minor that she has a reputation for supporting,  
25 you know, child sex abusers. Mr. Blackburn knows that that's

1 going to result in media attention, which is exactly what  
2 happened. It happened to me also. I'm not quite as  
3 concerned about it, but it nonetheless happened to me with  
4 this whole notion about he says I had a sick obsession with  
5 Mr. Gordon's wife.

6 And now in his new papers he's suggesting something  
7 that -- I've been practicing more than 40 years. No one has  
8 ever accused me of colluding with an opponent's lawyer to the  
9 detriment of that lawyer's -- the other lawyer's client.  
10 That's an extraordinarily outrageous accusation to make  
11 against another lawyer.

12 That's one concern I have, but I wouldn't  
13 think -- I'm not asking him not -- I'm not arguing he  
14 shouldn't file a sur-reply because it will harm my  
15 reputation. I think it's unfair to unnecessarily keep this  
16 case in the media by another filing that's entirely  
17 outrageous. And it's just ugly.

18 So on another level, I have very good reasons based  
19 upon what I know to be unhappy with Mr. Gordon. But I don't  
20 think that -- on sort of a human level, it's just wrong to do  
21 this when it's completely unnecessary. If you read my  
22 papers, Your Honor, I didn't vouch for the truth of what Mr.  
23 Gordon and his wife said. I simply said -- I gave them a  
24 forum because I think it was unfair. But I don't know the  
25 truth. And what is untrue is that I colluded with him.

1           And I think it's particularly outrageous about Mrs.  
2 Gordon because, you know, Mr. Blackburn -- and Ms. Kellman  
3 can talk more to this. Mr. Blackburn went to a dinner.  
4 They're apparently friends with Mrs. Gordon. Went to a  
5 dinner with her to -- apparently friends. He brought her  
6 roses or whatever and secretly recorded her. And that's what  
7 he wants to make his motion on.

8           And I've done the research. It's a little  
9 open -- there are conflicting bar opinions on whether it's  
10 appropriate for a lawyer to secretly record a conversation.  
11 But the one unquestionable rule is that it is improper when  
12 the recording violates another ethical rule. And here it  
13 violates 8.4. You don't go to dinner with someone as a  
14 lawyer with a friend and turn around and not tell her that  
15 you're recording her.

16           So for all of these reasons -- the reason why I ask  
17 for an in camera hearing because I just think it's so ugly  
18 and so unfair and so unnecessary that I can't even understand  
19 what the relevance of it is. Frankly, I'm outraged about it.  
20 But I wanted to do this in a situation where Mr. Blackburn  
21 was not going to be able to file a motion for permission to  
22 file a sur-reply where he put in everything into the public  
23 record that he would put in a motion for a sur-reply. And it  
24 would have the same damage to my client and to the Gordons.

25           That's why I wanted the conference so that I

1 wouldn't have all of this polluting the public record because  
2 any time there's a substantive filing in this case, it's all  
3 over social media and also in, you know, major media outlets.  
4 So that's why I asked for the conference. I don't understand  
5 why there's a need for a sur-reply, but I also felt that it  
6 was important to alert the Court in a setting where I didn't  
7 put it in writing why it was particularly outrageous.

8 I don't know if Ms. Kellman has anything to say,  
9 but that was my reason for asking for the conference.

10 THE COURT: Okay. Why don't I hear from Mr.  
11 Blackburn first. Mr. Blackburn, do you want to be heard?

12 MR. BLACKBURN: Your Honor, may it please the  
13 Court. The purpose that the motion was filed by Mr. Burstein  
14 was to publicly embarrass me. That was the sole purpose of  
15 it.

16 Of the 29 pages for the motion for sanctions, 25 of  
17 those pages was just outright attacks against myself, against  
18 my record, against my litigation history. And then he puts  
19 forth two arguments where he talks about I should be  
20 sanctioned. Why? One, because the Court -- because I filed  
21 a default judgment against Ms. Maraj, which the Court granted  
22 me permission to do. And that I should also be sanctioned  
23 due to the fact that I wrote the letter that I withdrew in  
24 response to his your wife's email.

25 He raised a lot of things. He talks about the text

1 that Mr. Gordon sent in November of last year when he  
2 admitted to being the author of the YouTube post which  
3 triggered the your wife email from Mr. Burstein. I did not  
4 remember that I had that. It was in November or December.

5 So in January, I traveled to Uganda. I was gone  
6 for a while. From the date that he sent me that text up  
7 until January when I withdrew the letter that I wrote because  
8 of the fact that I had learned again through conversations  
9 with Ciardone and through Steven that he had -- actually was  
10 the one that wrote and published the YouTube comment.

11 I think it was maybe last week when I asked -- I  
12 informed Mr. Burstein because the judge required us first to  
13 meet and confer to get the scheduling. And I said to him, I  
14 said, you know, Steven lied in his declaration. He lied in  
15 his declaration. And Ciardone lied in her declaration as  
16 well.

17 And I did not ask Ciardone to go to dinner on the  
18 10th of March. Ciardone asked me to go to dinner on the 10th  
19 of March. She did so in an Instagram message where she  
20 extended an invitation for us to go to dinner at 5:30 on the  
21 10th at Maya in Long Island City because she wanted to  
22 explain to me what Mr. Gordon's behavior was and why he acted  
23 that way because for the life of me I could not figure out  
24 how an attorney could usurp his ethical duties of obligation  
25 to his client and have conversations with opposing counsel



1 behind the back of lead counsel -- that's what he calls  
2 me -- and the client. He never disclosed any of the  
3 information that he shared with Mr. Burstein.

4 He has not given me any of the emails that he gave  
5 to Mr. Burstein. I have a client who is having nervous  
6 mental breakdowns as a result of Steven's actions. I could  
7 read you a text message she sent me the other day. She goes,  
8 "I'm sick of Steve, and I hate that he was ever involved in  
9 my case. How would these people know who have been harassing  
10 me for more than a year if he didn't tell him?"

11 And what is she referring to? A YouTube post where  
12 Steven purportedly shared a text conversation with myself and  
13 Jennifer to this YouTube blogger. And now this blogger is  
14 talking about attorney-client privileged information that  
15 Jennifer shared with him. Okay?

16 That's just a piece of the carnage that he's  
17 created in this case when he was here for a limited time.  
18 And then he filed a declaration where he's lying. He wrote  
19 the post. And I have a text that showed that he wrote it.  
20 And he said he did it. He's literally lying to the Court.

21 And then he forced his wife -- and I don't think  
22 she did it because here's how I know Ciardone did not  
23 voluntarily write this declaration. I went to dinner with  
24 her, and then she was my date to a gala on March 31st. It  
25 wasn't until Judd was preparing -- Mr. Burstein, I should

1 say, was preparing to file his -- to file the motion for  
2 sanctions that sent me a text saying that she was crying all  
3 day because Steven had threatened her to use the declaration  
4 against her in a divorce to get money from her. Okay?

5 The purpose of the dinner was for her to provide me  
6 to context surrounding Steven's actions. That's why we went  
7 to the dinner. Okay? And the reason why I recorded the  
8 dinner, as I record other things, is because I have ADD and I  
9 can't remember things. I'm on medication. So it's for me to  
10 keep notes of what it is that was said to me unless this is,  
11 like, a court proceeding where, you know, the clerk will then  
12 keep note of what transpired instead of the proceedings. But  
13 that's why I do it.

14 Ciardone knew that her information was going to be  
15 used. There was no mystery. And the fact that she said that  
16 she didn't tell me that Steven has a drug addiction, where  
17 would I get that from? She not only told me he has a drug  
18 addiction -- and this could be private. I don't want, you  
19 know -- if this is public, I would say we should go off the  
20 record.

21 THE COURT: I don't need details.

22 MR. BLACKBURN: Okay.

23 THE COURT: Go ahead.

24 MR. BLACKBURN: But she told me a lot of things,  
25 including where he goes to get his stuff from, okay, as well

1 as stories and examples of his actions and how his addiction  
2 has impacted his life and how, in her words, as she said,  
3 Steve has issues with not making good judgment calls and his  
4 impulsivity. He learns the hard way. Okay?

5 So I do think it's important for me to correct the  
6 record. Now, here's what I propose. If Mr. Burstein does  
7 not want me to file a sur-reply, I don't have to file the  
8 sur-reply. But my proposal is this, and that is if he wants  
9 to refile his motion for sanctions against me and talk about  
10 the default motion which he claims I should be sanctioned for  
11 and that he remove the 25 pages' worth of baseless attacks,  
12 personal attacks against me, I have no problem.

13 Because the only reason why I responded the way  
14 that I did was because I went through everything that he said  
15 about me. I put a response in there. If you compare with  
16 what he wrote and compare what I replied to, I literally  
17 wrote section heading by section heading, and I responded to  
18 everything that he said about me. It wasn't until the last  
19 four pages that he even made the argument as to why I should  
20 be sanctioned.

21 So if he wants to spare these young lawyers as he  
22 claims -- and I'm a young lawyer myself, but he doesn't care  
23 about me. But if he wants to spare these two young lawyers,  
24 what I'm proposing is that he could refile his sanction, talk  
25 about the default motion. I will reply in opposition to the

1 default motion charged, which is what he claimed against me.  
2 And there would be no need for me to explain Mr.  
3 Gordon's -- Mr. Burstein's your wife email, which was an  
4 orchestration of what Steven Gordon did. There would be no  
5 need for me to reply and to respond to that.

6 MR. BURSTEIN: And may I briefly respond, Your  
7 Honor?

8 THE COURT: Mr. Blackburn, anything else?

9 MR. BLACKBURN: No. I'm just greatly frustrated  
10 because this has brought a lot of unnecessary drama and pain  
11 to my client that she was not looking for. It is bad enough  
12 she was raped as a child by Ms. Maraj's husband. And then to  
13 be attacked by Ms. Maraj and her fans online also shouldn't  
14 be -- Mr. Burstein says that I should have never raised the  
15 fact that Ms. Maraj's brother -- that Ms. Maraj supported her  
16 brother. But if you google it, you'll see that it's  
17 everywhere. And it wasn't just only her brother.

18 And I put it in the footnote as an example of a  
19 pattern and practice of her behavior of attacking victims.  
20 That is the truth. That is not a lie. It is online. She's  
21 done it consistently throughout her career. If you want to  
22 look at it, you can go online and google it, and you'll find  
23 it. I have other examples. It's not just her brother. Her  
24 ex-boyfriend posted a tweet when he was in the room and he  
25 heard Nicki Minaj and her mother conspiring against a child.

1 So it's not something that I've made up out of whole cloth.

2 This is a thing that you can google and find.

3 THE COURT: Okay. Mr. Burstein, go ahead.

4 MR. BURSTEIN: I have a few things to say. First  
5 of all, Mr. Blackburn did not retract the statement. He only  
6 said that he realized later on that Mr. Gordon had actually  
7 drafted the statement. This is what he wrote in his papers.

8 At the time Mr. Blackburn was not aware that Mr.  
9 Gordon had orchestrated the YouTube comment post and possibly  
10 the email sent. Except that Mr. Blackburn has given me a  
11 text which says he knew it at exactly that time. He knew at  
12 the time it was posted. And now he's just recently put in  
13 something that's unequivocally false.

14 But the more important thing is I deal with the  
15 papers that are presented to me. Mr. Blackburn made a claim  
16 about my client being a supporter of -- has a reputation for  
17 being a supporter of child predators. He put in one  
18 supporting article, and I'm supposed to assume that he has  
19 additional evidence.

20 But all I'm hearing basically is he doesn't like my  
21 motion. He had an opportunity to respond. I replied. And  
22 he's mad at Mr. Gordon. And Mr. Gordon has treated his  
23 client unfairly. That's between his client and Mr. Gordon or  
24 him and Mr. Gordon. Why is it polluting the record in this  
25 case? There is nothing -- and the notion that Mr. Blackburn

1 will trade my basically withdrawing my motion and limiting it  
2 so that he doesn't have to file a sur-reply is in itself  
3 outrageous. I'm happy to rely on my papers. I think  
4 everything in my papers is appropriate. Maybe I'll be wrong;  
5 maybe I'll be right. But I can't accept a trade. I think  
6 that's improper.

7 If Mr. Blackburn is unhappy with the accusations  
8 I've made in my papers, he had a full opportunity to respond.  
9 I replied to what he wrote. And if he's unhappy, he's  
10 unhappy. It doesn't mean that he gets another chance to  
11 pollute the record for no reason. If you heard everything he  
12 had to say, it has to do with him being upset about what Mr.  
13 Gordon said to his client, what his conversation was with  
14 Mrs. Gordon.

15 By the way, that still doesn't change the fact that  
16 he didn't disclose to her that he was recording her. And  
17 under those circumstances, I think it was plainly a violation  
18 of 8.4. And the notion that he needs to record things  
19 because he has ADHD -- so do I, but I learned about taking  
20 notes. But more to the point, if that's the reason he's  
21 recording, it would have been disclosed.

22 But again, I'm in this situation where all of this  
23 irrelevant. It's polluting the record. I'm going to end up  
24 with another round of stories, which is remarkably unfair  
25 about my client. He's going to say things which will

1 necessitate a reply to me to the extent that it deals with me  
2 or he now wants to put in more evidence that he has about Ms.  
3 Maraj's supposed support of child predators. It's just  
4 wrong. It's just an abuse of the system. It's polluting the  
5 record for no reason.

6 What I've heard now, it makes it even more clear  
7 that this is improper. This is not the forum for Mr.  
8 Blackburn to air his concerns and his anger and his distaste  
9 for what Mr. Gordon did and his unhappiness with Mrs. Gordon.  
10 It's just not the right forum.

11 THE COURT: Okay. Ms. Kellman, do you want to be  
12 heard? Go ahead, Ms. Kellman.

13 MS. KELLMAN: Your Honor, I don't have that much to  
14 add, but it just seems to me that even the mention of my  
15 client or any mention of my client in this is -- in this  
16 overall litigation just seems a complete distraction. It's  
17 not relevant. And it's just inflammatory for no apparent  
18 reason.

19 They have their issues, clearly, but I just don't  
20 see how my client's role in this does anything other than  
21 damage her reputation for no apparent reason. It's  
22 ultimately not something that will impact the outcome of this  
23 litigation one way or the other. And I would ask that  
24 everything in the record with respect to my client be  
25 removed.

1 THE COURT: Okay. Mr. Blackburn, do you want to be  
2 heard?

3 MR. BLACKBURN: So I just want to address some  
4 points that Mr. Burstein's raised. He talks about me having  
5 this thing against Mr. Gordon. The only reason why I had to  
6 even mention Mr. Gordon was because I have to explain the  
7 your wife email. What else was I going to say other than the  
8 fact that this is what I learned?

9 Ms. Franklin and her mother since January 26th has  
10 been going to Mr. Gordon unsuccessfully to try to get him to  
11 turn over all documentation he's shared with Mr. Burstein,  
12 text messages, emails, phone records, and details of phone  
13 conversations. I've waited for months to get this  
14 information from him. He's not given it to me.

15 And Mrs. Gordon provided me with the context as to  
16 why she believes it is so. And that is what I shared with  
17 the Court. And she was well aware of what it is that I was  
18 going to share. And like I said before, the only reason why  
19 she had a problem with it was because he threatened her. You  
20 can see that in the text message. That's the first thing.

21 Second thing. Mr. Burstein wants to pretend to be  
22 so caring about the media coverage on this thing. But then  
23 he leaks an email that he sent to the lawyers to the press.  
24 He did that. This wasn't something that I did. It wasn't  
25 something that was filed in the court records. But it was



1 something that he sent to TMZ, which TMZ reported on, where  
2 he called me a bottom feeder, okay, in an email to me.

3 So he talks about civility and talks about us not  
4 polluting the record and all that stuff, but he's actually  
5 doing it without information that was even filed on the  
6 docket. He literally sent an email to TMZ referring to me as  
7 a bottom feeder.

8 MR. BURSTEIN: Except that I swore in my  
9 declaration --

10 THE COURT: Mr. Burstein, one at a time.

11 MR. BURSTEIN: -- that I didn't do it.

12 THE COURT: One at a time.

13 Are you done --

14 MR. BLACKBURN: No.

15 THE COURT: -- Mr. Blackburn?

16 MR. BLACKBURN: No.

17 THE COURT: Go ahead.

18 MR. BLACKBURN: So like I said before, Your Honor,  
19 everything that I responded to and everything that I wrote is  
20 a direct response to what was filed, a direct response to  
21 what was filed. There's no way that I could have  
22 explained -- and I was looking for it for a while -- no way  
23 that I could explain what it was that -- what led Steven to  
24 do what Steven did, which resulted in the your wife's email.  
25 Right? That was a piece of it.

1           The portion of his motion where he talks about me  
2       filing the default judgment is baseless because the Court  
3       granted me permission to do so.

4           But the heart of it is talking about this your wife  
5       email, which, again, Steven -- again, back to Steven -- is  
6       the orchestrator of all these things. Like I said before, I  
7       did not remember that I had the text in November because if I  
8       did I would have included it. Surely I would have included  
9       it in my letter that I wrote. Well, I wouldn't have even  
10      wrote the letter if I had remembered that I had the text  
11      messages. And Steven called me and asked me to write the  
12      letter.

13           And Ciardone said to me on Instagram, I don't know  
14      why he did that. I don't know why he even asked you to  
15      respond to Judd's your wife email in that letter. I have a  
16      text where Steven is asking me to write this. So again, he's  
17      lying again on the record. In this declaration he lied  
18      again.

19           THE COURT: Okay. Question for you, Mr. Blackburn.  
20      You had mentioned at a prior conference that you may file a  
21      new lawsuit in California; is that correct?

22           MR. BLACKBURN: Yes. Yes, sir.

23           THE COURT: What's the status of that? Has that  
24      been filed or --

25           MR. BLACKBURN: So right now, we're working with

1 California counsel. And they're going through the statutes  
2 to see which causes of action -- the complaint's already  
3 written, by the way. It's just a matter of figuring out  
4 which causes of action is going to be brought in California.

5 THE COURT: Okay. Now, have there been any  
6 settlement discussions between the two of you recently?

7 MR. BURSTEIN: No.

8 THE COURT: Okay. All right. What I want to do is  
9 talk to the parties privately. All right? I want to confirm  
10 that these proceedings are not being recorded. Okay? And if  
11 they are, stop any recordings. We will stop our  
12 transcription as well at this time.

13 (Recess from 9:34 a.m. until 10:21 a.m.)

14 THE CLERK: We're back on the record for  
15 21-cv-4568, Hough versus Maraj, et al.

16 THE COURT: All right. Back on the record. We  
17 held some off-the-record discussions regarding the pending  
18 motions and briefly settlement.

19 What we've agreed is that the Defendants will  
20 withdraw the two declarations from Mr. and Mrs. Gordon that  
21 were included with the reply brief. So go ahead and file a  
22 letter to that effect on the docket within the next seven  
23 days.

24 And that Mr. Blackburn is not going to file a  
25 sur-reply at this time. Okay?

1 I believe that addresses the issues that we're here  
2 to address today, correct, Mr. Burstein, Mr. Blackburn?

3 MR. BLACKBURN: Yes, Your Honor.

4 THE COURT: Okay. With that, we're adjourned.

5 Thank you, everyone.

6 (Proceedings adjourned at 10:22 am)

7  
8 TRANSCRIBER'S CERTIFICATE

9 I certify that the foregoing is a correct  
10 transcript from the electronic sound recording of the  
11 proceedings in the above-entitled matter.

12  
13 May 4, 2022

14  
15 Carrie Clouse

16 Carrie Clouse, CET-1207

DATE

17 Legal Transcriber  
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